

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHARON DENISE JONES,

Plaintiff,

v.

Case No. 2:15-cv-10171

Judge David M. Lawson

Magistrate Judge Anthony P. Patti

UNITED STATES
DEPARTMENT OF
EDUCATION, *et al.*,

Defendants.

**ORDER REGARDING PLAINTIFF'S MARCH 21, 2016 STATEMENT
CHALLENGING COMPLETENESS OF ADMINISTRATIVE RECORD
(DE 35)**

Plaintiff has filed a statement challenging the completeness of the administrative record. (DE 35.) Having reviewed this statement, the Court is not convinced that discovery regarding the administrative record is necessary at this time. In the event that any of the Defendants files a Fed. R. Civ. P. 56 motion for summary judgment based upon the administrative record in accordance with the previously established deadline (*see* DE 34), then, after familiarizing herself with the substance of such motion(s), and, if appropriate and in strict compliance with Fed. R. Civ. P. 56(d) ("When Facts Are Unavailable to the Nonmovant."), Plaintiff may again avail herself of the opportunity to demonstrate to the Court that discovery would be necessary in order to respond. Any Defendant who files a

motion for summary judgment based upon the administrative record between now and April 11, 2016 will not be prohibited from filing a subsequent motion for summary judgment. *See* E.D. Mich. 7.1(b)(2).

IT IS SO ORDERED.

Dated: March 31, 2016

s/Anthony P. Patti

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on March 31, 2016, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager to the

Honorable Anthony P. Patti